

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants.

Adv. Pro. No. 10-03496 (CGM)

Administratively Consolidated

ORAL ARGUMENT REQUESTED

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ZURICH CAPITAL MARKETS COMPANY,
et al.,

Defendants.

Adv. Pro. No. 10-03634 (CGM)

**NOTICE OF MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Citibank (Switzerland) AG's Motion to Dismiss for Lack of Personal Jurisdiction Under Rule 12(b)(2), Plaintiffs' Fourth Amended Complaint attached here as Exhibit A, and all prior pleadings and proceedings herein, Defendant Citibank (Switzerland) AG¹ will move this Court for an order dismissing the complaint filed by Plaintiffs as the liquidators for Fairfield Sentry

¹ Plaintiffs name "Citibank (Switzerland) Zurich," but the correct entity name is Citibank (Switzerland) AG.

Limited, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure;

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's September 28, 2021 Order, Adv. Pro. No. 10-03634 (Dkt. No. 326), any opposition briefs to this motion are due March 15, 2022 and replies are due March 31, 2022, with oral argument scheduled for April 20, 2022;

PLEASE TAKE FURTHER NOTICE that this motion is without prejudice to Defendant Citibank (AG) Switzerland's right to seek dismissal for failure to state a claim, or on other grounds, and that such defenses are expressly preserved; and

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant Citibank (Switzerland) AG does not consent to the entry of final orders or judgment by this Court.

Dated: October 29, 2021
New York, New York

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s/ Carmine D. Boccuzzi, Jr.
Carmine D. Boccuzzi, Jr.
E. Pascale Bibi
One Liberty Plaza
New York, New York 10006
T: 212-225-2000
F: 212-225-3999
cboccuzzi@cgsh.com

Attorneys for Citibank (Switzerland) AG